

## BUREAU OF BARBERING AND COSMETOLOGY

### INITIAL STATEMENT OF REASONS

Hearing Date: August 20, 2001

Subject Matter of Proposed Regulations: **Cleaning and Disinfecting Whirlpool Footspas**

(1) Section(s) Affected: **Sections 974, 980.1**

Specific Purpose of each adoption, amendment, or repeal:

Section 974 establishes a schedule of administrative fines for violations of the Business and Professions Code and the California Code of Regulations. The proposed amendment to Section 974 adds an administrative fine for violation of Section 980.1, which relates to cleaning and disinfection of whirlpool footspas. This new administrative fine conforms with existing administrative fines.

Section 980.1 specifies the cleaning and disinfection requirements for whirlpool footspas. Current regulations specify procedures for cleaning and disinfecting electrical and non-electrical instruments. However, these regulations do not address the cleaning and disinfection of large equipment such as whirlpool footspas.

#### Factual Basis

A community outbreak of skin boils occurred during summer/fall 2000 in Santa Cruz County, California. The source of the outbreak was determined to be a series of contaminated whirlpool footspas used as part of a pedicure procedure within a single nail salon in Watsonville, California. Customers placed their lower legs into these baths at the beginning of their pedicure and exposed themselves to the bacteria which subsequently caused the boils. As of December 2000, Santa Cruz County health officials identified 109 probable cases of the bacteria causing the boils. This outbreak highlighted the need for strict disinfection guidelines for these whirlpool footspas.

Current Bureau health and safety regulations provide procedures for disinfecting both electrical and nonelectrical instruments. However, neither set of procedures is appropriate for disinfecting whirlpool footspas. Manufacturers of footspas are becoming aware of the problem and some have agreed to modify their cleaning instructions to provide for a more thorough cleaning and disinfecting process. However, not all manufacturers have yet made this commitment. Since the identification of the bacteria in November 2000, the Bureau has been working with the Department of Health Services to determine the appropriate cleaning and disinfecting procedures to prevent future outbreaks. In March 2001, the

Department of Health Services made specific recommendations regarding what sanitation procedures would most effectively and efficiently prevent future outbreaks. The Bureau is proposing to adopt the resulting procedures in regulation.

These regulations will set forth specific procedures for cleaning and disinfecting of whirlpool footspas in order to eliminate the health risk associated with improper or inefficient cleaning and disinfecting. In addition, these regulations will add an administrative fine of \$100 for first violation and fines of \$250 and \$500 for subsequent violations to the existing fine schedule.

#### Underlying Data

Technical, theoretical or empirical studies or reports relied upon (if any):

1. Department of Health Services investigative report of December 22, 2000 titled "CA EPI 00-07: An outbreak of rapidly growing mycobacterial furunculosis in pedicure customers of a nail salon, April-October 2000."

#### Business Impact

This regulation will not have a significant adverse economic impact on businesses.

#### Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

#### Consideration of Alternatives

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the bureau would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.